



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

JUN 19 2003

C-14J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Nicholas Nedeau, Esq.
Universal Oil Products, LLC
25 East Algonquin Road
Des Plaines, Illinois 60017-5017

Re: UOP, LLC McCook, IL facilities
Proposed "Incentives for Self-Policing" settlement

Dear Mr. Nedeau:

CAA-05- 2003-0008,
EPCRA-05- 2003-0018,
RCRA-05- 2003-0011; 4
MM-05-2003-0004 *SW*

I have enclosed one original of a fully executed Joint Civil Complaint and Consent Agreement and Final Order (CAFO) in resolution of the above matter. The other original was filed on June 19, 2003, with the EPA Region 5 Regional Hearing Clerk. Please arrange for UOP, LLC to pay the civil penalty of \$21,293 in the manner prescribed in paragraph 54 of the CAFO within 30 days of receipt.

In addition, please reference each of your check(s) with the following number:
BD 050603007 and multi-media docket number MM-05-2003-0004.
Please call me at (312) 886-0814 if you have any questions.

Sincerely yours,

Thomas M. Williams
Associate Regional Counsel

Enclosure

1. This is an administrative action for the assessment of civil penalties brought pursuant to Section 113(d) of the Clean Air Act (hereinafter CAA), 42 U.S.C. § 7413(d); Section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation

and Recovery Act of 1976, as amended (hereinafter RCRA), 42 U.S.C. § 6928(a)(RCRA was amended in 1984 by the Hazardous and Solid Waste Amendments of 1984 (HSWA)); Section 325(c) of Title III of the Superfund Amendments and Reauthorization Act, 42 U.S.C. §§ 11001 *et seq.* (also known as the Emergency Planning and Community Right-to-Know Act of 1986 (hereinafter EPCRA)); and Section 22.13(b) of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits," hereinafter the Consolidated Rules), 40 C.F.R. § 22.13(b).

2. Section 22.13(b) of the Consolidated Rules provides that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a consent agreement and final order.

3. The Complainant for the CAA violations is, by lawful delegation, the Director of the Air and Radiation Division, U.S. EPA, Region 5, Chicago, Illinois. Jurisdiction over CAA violations is conferred upon EPA by Section 113(d) of the CAA, 42 U.S.C. § 7413(d).

4. The Complainant for the EPCRA violations is, by lawful delegation, the Chief of the Pesticides and Toxics Branch, Waste, Pesticides and Toxics Division, U.S. EPA, Region 5, Chicago, Illinois. Jurisdiction over EPCRA violations is conferred upon EPA by Section 325(c) of EPCRA, 42 U.S.C. § 7413(d).

5. The Complainant for the RCRA violations is, by lawful delegation, the Chief of the Enforcement and Compliance Assurance Branch, Waste, Pesticides and Toxics Division, U.S. EPA, Region 5. Jurisdiction over RCRA violations is conferred upon EPA by Sections

2002(a)(1), 3006(b), and 3008 of RCRA, 42 U.S.C. §§ 6912(a)(1), 6926(b), and 6928.

6. The Respondent is UOP, LLC (UOP or Respondent), a Delaware corporation doing business in the State of Illinois with a place of business located at 25 East Algonquin Road, Des Plaines, Illinois; and a facility located at 8400 Joliet Road, McCook, Illinois.

7. The provisions of this CAFO apply to and are binding upon the parties, their officers, agents, successors and assigns.

II. PRELIMINARY STATEMENT

8. Pursuant to the “Final Policy Statement on Incentives for Self-Policing: Discovery, Disclosure, Correction, and Prevention of Violations,” 60 Fed. Reg. 66706 (December 22, 1995) (Self-Disclosure Policy); Section 113(d) of the CAA, 42 U.S.C. § 7413(d); Section 3008(a) of RCRA, 42 U.S.C. § 6928(a); Section 325(c) of EPCRA, 42 U.S.C. § 11045(c); and the Consolidated Rules, the EPA and UOP enter into this CAFO for self-disclosed violations by UOP at its 8400 Joliet Road, McCook, Illinois facility (hereinafter the Facility) of RCRA, 42 U.S.C. §§ 6901-6992k and its implementing regulations at 40 C.F.R. Parts 262, 264, 265 and 268; the CAA, 42 U.S.C. §§ 7401-7671q; and Section 313 of EPCRA, 42 U.S.C. § 11023, and its implementing regulations at 40 C.F.R. Part 372.

9. EPA invited UOP to voluntarily participate in the Organic Chemical Sector Compliance Incentive Program (CIP). UOP agreed to voluntarily participate, which required UOP to conduct audits of its facilities and disclose violations on or before January 31, 1999. In return for its participation, EPA agreed to waive all gravity-based penalties for qualifying violations according to the CIP agreement and the requirements of EPA’s Self-Disclosure Policy.

10. The violations which are the subject of this CAFO were voluntarily disclosed by

UOP to the Agency by letters dated January 29, 1999 and July 30, 1999, concerning UOP's McCook facility located at 8400 Joliet Road, McCook, Illinois. The McCook facility is divided into two divisions located in a contiguous area: the McCook Manufacturing Division and the Riverside Research and Development Facility (the UOP Facility or Facility).

III. SELF-DISCLOSURE POLICY

11. In order to encourage regulated entities to conduct voluntary compliance evaluations and to voluntarily discover, disclose and correct violations of environmental requirements, EPA promulgated the Self-Disclosure Policy. As an incentive for regulated entities to participate in the Self-Disclosure Policy's voluntary disclosure process, EPA may eliminate or substantially reduce the gravity-based component of civil penalties to be assessed for violations which are voluntarily disclosed in compliance with the conditions specified in the Self-Disclosure Policy. The conditions of the Self-Disclosure Policy are as follows:

- (1) Discovery of the violation(s) through an environmental audit or due diligence;
- (2) Voluntary disclosure;
- (3) Prompt disclosure;
- (4) Discovery and disclosure independent of government or third party plaintiff;
- (5) Correction and remediation;
- (6) Prevention of recurrence of the violation;
- (7) Absence of repeat violations;
- (8) Other violations excluded; and
- (9) Cooperation.

12. Pursuant to the Self-Disclosure Policy, EPA may reduce gravity-based penalties up to 100 percent if the disclosing entity satisfies all of the conditions listed above. EPA may reduce gravity-based penalties up to 75 percent if the disclosing entity satisfies conditions (2) - (9), above. However, EPA reserves the right to assess a civil penalty with regard to any economic benefit that may have been realized as a result of such violations, even in those

instances when the disclosing entity has met all the conditions of the Self-Disclosure Policy. In its enforcement discretion, the EPA may waive a civil penalty with regard to the economic benefit arising from such violations if EPA determines that such economic benefit is insignificant. Penalty reductions are not available under the Self-Disclosure Policy for violations that result in serious actual harm or may present an imminent and substantial endangerment to public health or the environment, nor are such reductions available for violations of any order or consent agreement.

IV. STIPULATED FACTS

13. On January 29, 1999, UOP disclosed to EPA that violations of RCRA and its implementing regulations, 40 C.F.R. Parts 262, 264, 265 and 268; the CAA through the Illinois State Implementation Plan (SIP), 35 Illinois Administrative Code (IAC) § 218.504; and EPCRA and its implementing regulations, 40 C.F.R. Part 372, may have occurred at its Facility. The disclosure was made as part of EPA's Compliance Incentive Program (CIP). The CIP was designed to help facilities in the Industrial Organic Chemical Sector (SIC Code 2869) examine their compliance with environmental requirements and to resolve any discovered violations.

14. By letter dated July 30, 1999, UOP provided additional information concerning the applicability of the Self-Disclosure Policy to its disclosure.

15. The disclosed violations were discovered as part of three separate Environmental Audits, voluntarily conducted on or about December 1998 through January 1999.

16. UOP provided information to EPA indicating that the disclosed violations were identified voluntarily, not through a monitoring, sampling or auditing procedure required by statute, regulation, permit, or judicial or administrative order.

17. The disclosed violations were deemed to have been disclosed promptly because, for purposes of the CIP, EPA waived the requirement that disclosure of the disclosed violations be made within ten days of discovery.

18. UOP provided information to EPA indicating that the disclosed violations by UOP were identified and disclosed by UOP prior to the commencement of a Federal, state, or local agency inspection, investigation, or information request, notice of a citizen suit, legal complaint by a third party, reporting of the violation to EPA by a “whistle blower” employee, or imminent discovery by a regulatory agency.

19. UOP provided information to EPA indicating that the disclosed violations were promptly (i.e., within 120 days of discovery) corrected by UOP, with the exception of a violation of EPCRA relating to the filing of Form R for toluene for the 1997 calendar year, as set forth in Paragraph 33 below.

20. UOP provided information to EPA indicating that UOP has taken steps to prevent a recurrence of the disclosed violations, including instituting training, management practices and institutional controls.

21. UOP provided information to EPA indicating that the disclosed violations at issue or closely related disclosed violations have not occurred previously within the past three years at the same facility and are not part of a pattern of violations on the part of UOP or any parent organization over the past five years.

22. UOP provided information to EPA indicating that the disclosed violations at issue have not been the subject of a Federal, state or local agency judicial or administrative complaint, enforcement action or settlement, nor has UOP or a parent organization received a

penalty mitigation concerning the disclosed violations at issue during the three years preceding the issuance of this CAFO.

23. UOP provided information to EPA indicating that the disclosed violations at issue have not resulted in serious actual harm to human health or the environment, nor have the disclosed violations presented an imminent and substantial endangerment to public health or the environment.

24. UOP provided information to EPA indicating that the disclosed violations at issue do not violate the specific terms of any judicial or administrative order or consent agreement.

25. By participating in the Compliance Incentive Program and promptly addressing the disclosed violations, UOP has cooperated with EPA and provided the information necessary for the Agency to determine the applicability of the Self-Disclosure Policy to UOP's disclosure.

26. The economic benefit of non-compliance received by UOP for its disclosed non-compliance was calculated to be \$18,488.

V. VIOLATIONS

Pursuant to the Self-Disclosure Policy, and based upon the information provided by UOP in its letters dated January 29, 1999 and July 30, 1999, EPA makes the following determinations, without adjudication or litigation on the merits, concerning the disclosures identified above:

A. CAA VIOLATION

27. UOP failed to install a compliant temperature monitoring device as required by the Illinois SIP at 35 IAC 218.504.

B. RCRA VIOLATIONS

28. UOP failed to satisfy the provisions of 40 C.F.R. §§ 262.34(a) and 265.195(c), by its failure to document inspections of hazardous waste tank systems, located adjacent to the Manufacturing, and the Research and Development (R&D) buildings, in its operating record for 196 days in 1996, 83 days in 1997, and 8 days in 1998, and thus was accumulating hazardous waste without a permit or interim status in violation of Section 3005(a) of RCRA, 42 U.S.C. § 6925(a).

29. UOP failed to satisfy the provisions of 40 C.F.R. §§ 262.34(a), 265.1052(a)(1) and 265.1057(a), by its failure to conduct monthly monitoring of each pump in light liquid service and each valve in light liquid or gas vapor service on the Research and Development side of the Facility for 6 months in 1995, 12 months in 1996, 8 months in 1997, and 1 month in 1998, and thus was accumulating hazardous waste without a permit or interim status in violation of Section 3005(a) of RCRA, 42 U.S.C. § 6925(a).

30. UOP failed to satisfy the provisions of 40 C.F.R. §§ 262.34(a) and 265.1052(a)(2), by its failure to conduct weekly visual inspections of the pumps subject to Subpart BB regulations, located in Building 3, Building 29, and in the Research and Development tank farm, for 26 weeks in 1995, 52 weeks in 1996, 31 weeks in 1997, and 51 weeks in 1998, and thus was accumulating hazardous waste without a permit or interim status in violation of Section 3005(a) of RCRA, 42 U.S.C. § 6925(a).

31. UOP failed to satisfy the provisions of 40 C.F.R. §§ 262.34(a), 265.1085(c)(4)(ii), and 265.1085(c)(4)(iv), by its failure to conduct and document annual inspections of the Facility's two hazardous waste tank roofs, located in the Manufacturing side and the R&D side

of the Facility, when they became subject to Subpart CC on December 6, 1996 and annually, thereafter, in 1997 and 1998, and thus was accumulating hazardous waste without a permit or interim status in violation of Section 3005(a) of RCRA, 42 U.S.C. § 6925(a).

C. EPCRA VIOLATIONS

32. UOP failed to timely submit a Form R for Xylene (mixed isomers)(CAS No. 1330-20-7) for calendar year 1996 to the EPA Administrator and the State of Illinois on or before July 1, 1997, in violation of Section 313 of EPCRA, 42 U.S.C. § 11023.

33. UOP failed to submit a Form R for Toluene (CAS No. 108-88-3) for calendar year 1997 to the EPA Administrator and the State of Illinois on or before July 1, 1998, in violation of Section 313 of EPCRA, 42 U.S.C. § 11023.

VI. PROPOSED PENALTIES

A. PROPOSED CAA CIVIL PENALTY

34. UOP has violated Section 218.504 of the Illinois SIP, 35 IAC 218.504. Section 113 (d)(1) of the CAA, 42 U.S.C. § 7413(d)(1), provides that any person who violates a requirement of a state SIP shall be liable to the United States for a civil penalty in an amount not to exceed \$25,000 per day for each violation. The Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461 (1990), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 (1996), allows EPA to adjust its penalties for inflation on a periodic basis. Pursuant to the Civil Monetary Penalty Inflation Adjustment Rule, published at 40 C.F.R. Part 19 (Civil Penalty Inflation Adjustment Rule), civil penalties which EPA can assess under the CAA for violations occurring on or after January 31, 1997, are subject to a new statutory maximum penalty of \$27,500.00.

35. For purposes of determining the amount of any penalty to be assessed, Section 113(e) of the CAA , 42 U.S.C. § 7613(e), requires EPA to take into consideration the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence, payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, the seriousness of the violation; and such other factors as justice may require.

36. To develop a proposed penalty, EPA takes into account the particular facts and circumstances of this case with specific reference to EPA's CAA Stationary Source Civil Penalty Policy, dated October 25, 1991. The total gravity-based civil penalty for the voluntarily disclosed CAA violations described herein is \$70,000. The total economic benefit that EPA is seeking in this case is \$0. Although an economic benefit was calculated to be \$4,662, based on the fact that UOP installed a monitoring device on its Dowtherm Heater in June 1999 at a cost of \$14,363.08, the Clean Air Act Penalty Policy allows the Agency to forego seeking economic benefit where it is insignificant (or below \$5,000), as in the present case. Therefore, the total proposed CAA penalty before waiver is \$70,000, of which one-hundred percent is gravity-based.

B. PROPOSED RCRA CIVIL PENALTY

37. The EPA Administrator may assess a civil penalty of up to \$25,000 per day for each violation of Subtitle C of RCRA according to Section 3008 of RCRA, 42 U.S.C. § 6928. Pursuant to the Civil Penalty Inflation Adjustment Rule, EPA may assess a civil penalty of up to \$27,500 per day for each violation of Subtitle C of RCRA occurring or continuing on or after January 31, 1997.

38. Complainant determined the proposed civil penalty according to RCRA Section 3008, 42 U.S.C. § 6928. In assessing a civil penalty, the EPA Administrator must consider “the seriousness of the violation and any good faith efforts to comply with applicable requirements.” Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3). Complainant has considered the facts and circumstances of this case with specific reference to EPA’s 1990 RCRA Civil Penalty Policy. A copy of the penalty policy is available upon request. This policy provides a consistent method of applying the statutory penalty factors to this case.

39. The Complainant proposes, based upon the facts recited above in this CAFO, and the factors set forth in the RCRA Civil Penalty Policy and Section 3008(a)(3) of RCRA, that the EPA Administrator assess a total RCRA civil penalty of \$115,728. The gravity-based portion of the RCRA penalty is \$97,240 and the economic benefit portion of the RCRA penalty is \$18,488.

C. PROPOSED EPCRA CIVIL PENALTY

40. Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), authorizes EPA to assess a civil penalty of up to \$25,000 per day for each violation of Section 313, 42 U.S.C. § 11023. Pursuant to the Civil Penalty Inflation Adjustment Rule, EPA may assess a civil penalty of up to \$27,500 per day for each violation of Section 313 of EPCRA, occurring or continuing on or after January 31, 1997. The proposed EPCRA civil penalty has been determined in accordance with Section 325(c) of EPCRA, 42 U.S.C. § 11045(c). For purposes of determining the amount of any penalty to be assessed, EPA considered the nature, circumstances, extent and gravity of the violations, and with respect to the Respondent, its ability to pay, prior history of violations, economic benefit or savings resulting from the violation, and such other matters as justice may require. To develop the proposed penalty in this CAFO, Complainant has taken into account the particular

facts and circumstances of this case with specific reference to the EPA's "Enforcement Response Policy for Section 313 of the Emergency Planning and Community Right-to-Know Act and Section 6607 of the Pollution Prevention Act (dated August 10, 1992)," a copy of which is available upon request. This policy provides a rational, consistent and equitable calculation methodology for applying the statutory penalty factors enumerated above to particular cases.

41. For the EPCRA violation recited in Paragraph 32 above, the Complainant proposes that Respondent be assessed an EPCRA civil penalty of \$18,700. The gravity-based portion of the EPCRA penalty for this violation is \$18,700 and the economic benefit portion of the EPCRA penalty is \$0.

42. For the EPCRA violation recited in Paragraph 33, the Complainant proposes that Respondent be assessed an EPCRA civil penalty of \$2,805, reduced from \$18,700 based on the Respondent's having satisfied eight of the nine criteria under the Self-Disclosure policy and other factors such as justice require. The economic benefit associated with this penalty is \$0.

VII. SETTLEMENT PENALTY

43. Based on information UOP has provided, EPA determines that UOP meets all of the conditions of the Self-Disclosure Policy for all disclosed violations other than that recited in Paragraph 33 and qualifies for a 100 percent reduction in the gravity-based component of the civil penalty for those disclosed violations. Of the violations other than that recited in Paragraph 33, EPA therefore will assess only an economic benefit penalty of \$18,488 under RCRA.

44. With respect to the violation recited in Paragraph 33, using the "Enforcement Response Policy for Section 313 of the Emergency Planning and Community Right to Know Act and Section 6607 of the Pollution Prevention Act" (dated August 10, 1992), UOP qualifies for a

reduction in the gravity-based penalty based on its having satisfied eight of the nine criteria in the Self Disclosure Policy, and other factors as justice requires, so that imposition of a \$2,805 penalty is appropriate.

45. The total settlement penalty is \$21,293. EPA reserves the right to revoke this CAFO and accompanying settlement penalty if and to the extent that any information or certification provided by Respondent, upon which any civil penalty mitigation granted herein for such violation was based, was materially false or inaccurate at the time such information or certification was provided to EPA, and reserves the right to assess and collect any and all civil penalties for any violation described herein. Such revocation shall be in writing and shall become effective upon receipt by UOP. In issuing this CAFO, EPA seeks to promote self-auditing by UOP, and expects UOP to be in full compliance with regulatory requirements and to continue the internal procedures necessary to prevent recurrences of violations of environmental requirements.

VIII. WAIVER OF RIGHT TO REQUEST A HEARING

46. Respondent hereby waives the right to a judicial or administrative hearing on any issue of law or fact set forth in this Consent Agreement and the right to appeal the proposed Final Order accompanying this Consent Agreement, and explicitly waives any and all rights under any provisions of law, including those pursuant to Section 113(d)(2) and (4) of the CAA, 42 U.S.C. § 7413(d)(2) and (4); Section 325 of EPCRA, 42 U.S.C. § 11045; and Section 3008 of RCRA, 42 U.S.C. § 6928, to challenge the terms and conditions of this CAFO.

IX. SETTLEMENT PROVISIONS

47. As a result of information voluntarily exchanged while participating in the CIP

and during settlement negotiations, EPA and Respondent have agreed to resolve this matter by executing this CAFO.

48. This CAFO resolves the disclosed violations specifically alleged in this CAFO. The violations were disclosed through UOP's participation in the CIP.

49. Respondent admits that EPA has jurisdiction over the violations disclosed in this CAFO.

50. Respondent neither admits nor denies the specific determinations contained in Section V of this CAFO.

51. In consideration of the foregoing, and because Respondent has been cooperative in providing EPA with information during the pendency of this matter, and for other factors as justice may require, the civil penalty proposed in the CAFO is being adjusted in conformance with EPA's "Self-Disclosure Policy," EPA's "1990 RCRA Civil Penalty Policy," EPA's August 10, 1992 "Enforcement Response Policy for Section 313 of the Emergency Planning and Community Right-to-Know Act and Section 6607 of the Pollution Prevention Act," and EPA's October 25, 1991 "CAA Stationary Source Civil Penalty Policy," from a proposed amount of \$246,490 to a settlement amount of \$21,293. This amount represents the economic benefit of non-compliance accruing to UOP concerning the RCRA violations described herein in the amount of \$18,488, and the gravity-based penalty for failing timely to file a Form R for toluene for the 1997 year, in the amount of \$2,805.

52. Respondent agrees to pay to EPA \$21,293 to settle this proceeding.

53. Respondent shall pay the settlement amount stated in Paragraph 52 no later than 30 days from the effective date of this CAFO.

54. Respondent shall pay the settlement amount by corporate, certified or cashier's check or money order, payable to "Treasurer, United States of America," and mailed to:

U.S. Environmental Protection Agency
Region 5
P.O. Box 70753
Chicago, Illinois 60673

A transmittal letter, indicating Respondent's name, complete address, the case BD number, and case docket number must accompany the payment. Respondent shall send a copy of the check and transmittal letter to:

Regional Hearing Clerk
U.S. EPA - Region 5
77 West Jackson Boulevard (E-19J)
Chicago, Illinois 60604; and

Michael Mikulka
Waste Pesticide and Toxics Division
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard (DRE-9J)
Chicago, Illinois 60604; and

Section Secretary
Pesticides and Toxics Section
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard (DT-8J)
Chicago, Illinois 60604; and

Thomas M. Williams
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard (C-14J)
Chicago, Illinois 60604.

55. Respondent agrees to achieve and maintain compliance with all applicable requirements and/or prohibitions governing the storage of hazardous waste applicable to generators, and codified at or incorporated by 35 IAC Part 722 (40 C.F.R. Part 262).

56. Respondent agrees to comply with the applicable provisions of 35 IAC 725 Subpart BB (40 C.F.R. § 265 Subpart BB) for all equipment in contact with hazardous waste greater than 10 percent organic concentration.

57. Respondent agrees to not accumulate hazardous waste with an average volatile organic (VO) concentration equal to or greater than 500 ppmw at the point of waste origination in any tank, container, or surface impoundment subject to 40 C.F.R. § 265 Subpart CC, unless such tank, container, or surface impoundment is operated in compliance with the requirements of 40 C.F.R. § 265 Subpart CC.

58. If Respondent has not taken or completed any requirement of this CAFO, Respondent shall notify EPA of the failure, its reasons for the failure, and the proposed date for compliance within 10 calendar days after its failure to comply.

59. Respondent agrees to submit all reports, submissions, and notifications required under this CAFO to the U.S. EPA, Region 5, Waste, Pesticides and Toxics Division, Enforcement and Compliance Assurance Branch, Attention: Michael Mikulka (DRE-9J), 77 West Jackson Boulevard, Chicago, Illinois 60604-3590.

60. Failure to pay any penalty assessed under this CAFO may subject Respondent to a civil action pursuant to Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5), Section 3008 of RCRA, 42 U.S.C. § 6928; and Section 325 of EPCRA, 42 U.S.C. § 11045, to collect any unpaid portion of the proposed civil penalty, applicable stipulated penalties, together with interest, handling charges and nonpayment penalties as set forth in Paragraph 61, below. In any such collection action, the validity, amount and appropriateness of this CAFO or the settlement payment, stipulated penalty, or penalty assessed hereunder are not subject to review.

61. Pursuant to 42 U.S.C. § 7413(d)(5) and 31 U.S.C. § 3731, Respondent shall pay the following amounts:

a. Interest. Any unpaid portion of the settlement payment, stipulated penalties, or assessed penalty shall bear interest at the rate established pursuant to 26 U.S.C. § 6621(a)(2). Interest on the settlement payment or assessed penalty shall begin to accrue from the date a copy of the executed CAFO is mailed to Respondent, provided, however, that no interest shall be payable on any portion of the settlement payment or assessed penalty that is paid within 30 days of the date this CAFO is filed with the Regional Hearing Clerk.

b. Handling Charge. Pursuant to 31 U.S.C. § 3717(e)(1), a monthly handling charge of \$15 shall be paid for any month in which any portion of the settlement payment, stipulated penalty, or assessed penalty is more than 30 days past due.

c. Attorneys' Fees, Collection Costs, Nonpayment Penalty. Pursuant to 42 U.S.C. § 7413(d)(4), should Respondent fail to pay on a timely basis the full amount of the settlement payment, stipulated penalty, assessed penalty, interest, or handling charges, Respondent shall be liable to pay the United States' enforcement and collection expenses, including but not limited to attorneys' fees and costs incurred by the United States for collection proceedings, and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be ten percent (10%) of the aggregate amount of Respondent's outstanding or overdue settlement amounts, penalties and nonpayment penalties accrued from the beginning of such quarter.

62. Respondent shall maintain legible copies of the research and data for any and all documents or reports submitted to EPA pursuant to this CAFO, and Respondent shall provide the

documentation and data to EPA within seven days of request for such information. In all documents or reports submitted to EPA pursuant to this CAFO, Respondent shall, by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

63. Each person signing this CAFO certifies that he or she is duly authorized to execute the CAFO for the party whom he or she represents and to bind that party to its terms.

64. Penalties paid pursuant to this CAFO are not deductible for Federal tax purposes.

65. Neither assessment nor payment of a civil penalty shall affect UOP's continuing obligation to comply with the Clean Air Act, RCRA, EPCRA or any other Federal, state or local law or regulation.

66. Respondent certifies that to its knowledge the information provided to EPA as it pertains to this disclosure was at the time of submission, and is, true and accurate and complete for each submission and statement. Respondent realizes that there are significant penalties for submitting false or misleading information, including the possibility of fines and/or imprisonment for knowing submission of such information, 18 U.S.C. § 1001.

67. This Consent Agreement and the accompanying Final Order resolve only those claims specified in Section VI, above. Nothing herein shall be construed to limit the authority of EPA and/or the United States to undertake action against any person, including the Respondent,

in response to any condition which EPA or the United States determines may present an imminent and substantial endangerment to the public health, welfare or the environment, nor shall anything in this Consent Agreement or the accompanying Final Order be construed to resolve, and the United States reserves its authority to pursue, criminal sanctions against Respondent.

68. By signing this Consent Agreement, Respondent certifies that it did not incur any capital or "operation and maintenance" costs for any improvements resulting from any violation disclosed to EPA, nor did it incur any capital or "operation and maintenance" costs to correct any violation disclosed to EPA except as stated herein, nor did it receive any economic benefit from non-compliance with the relevant environmental statutes pertaining to its violations disclosed to EPA, other than what was calculated in this CAFO. For purposes of this certification Respondent understands that "disclosed violations" refers to the violations that were disclosed to EPA by letters dated January 29, 1999 and July 30, 1999 and as contained in this Consent Agreement.

69. By signing this CAFO, Respondent certifies that it is currently in compliance with all provisions of the CAA, EPCRA and RCRA at the facilities that are the subject of the violations recited in this CAFO. Respondent agrees to undertake all necessary actions to continue the internal procedures to prevent recurrences of violations of environmental requirements.

X. EFFECT OF SETTLEMENT

70. This CAFO, upon the execution of the Final Order by EPA Region 5 and full satisfaction by the parties, shall be a complete and full civil settlement of the specific violations

set forth in Section V above.

71. Each party to this CAFO shall bear its own costs in this matter, including any costs and attorney fees associated with past, present or future proceedings.

XII. EFFECTIVE DATE

72. Respondent and EPA agree to issuance of the attached Final Order. Upon filing, EPA will transmit a copy of the filed Consent Agreement to the Respondent. This Joint Civil Complaint and Consent Agreement and Final Order will become effective upon execution of the Final Order and filing with the Hearing Clerk.

The foregoing Consent Agreement is Hereby Stipulated, Agreed, and Approved for Entry:

UOP, LLC

Date: 5-13-03

By: _____

Jim L. Rhoads

Vice President & General Manager,
Catalysts & Advanced Materials

CAA-05- 2003-0008)

EPCRA-05- 2003-0018)

RCRA-05- 2003-0011) +

MM-05-2003-0004

JBW

In the Matter of UOP, LLC
 McCook, Illinois
 Docket No.

CAA-05- 2003-0 008,

EPCRA-05- 2003-0018,

RCRA-05- 2003-0019, 4

NM-05- 2003-0004 *SDW*

**UNITED STATES ENVIRONMENTAL
 PROTECTION AGENCY, COMPLAINANT**

Date:

June 12, 2003

By:

[Signature]
 Cheryl Newton, Acting Director
 Air and Radiation Division

Date:

May 14, 2003

By:

[Signature]
 Joseph M. Boyle, Chief
 Enforcement and Compliance Assurance Branch

Date:

May 14, 2003

By:

[Signature]
 John Connell, Acting Chief
 Pesticides and Toxics Branch

Date:

May 15, 2003


By:

[Signature]
 for Phyllis Reed, Director
 Waste, Pesticides and Toxics Division

In the Matter of UOP
 McCook, Illinois
 Docket No.

CAA-05- 2003-0008, EPCRA-05- 2003-0018,
FINAL ORDER RCRA-05- 2003-0014, &
 MN-05-2003-0004

It is so ORDERED, in the case of UOP, LLC, McCook, Illinois, as agreed to by the parties and
 as stated in the foregoing Joint Civil Complaint and Consent Agreement. This Final Order
 disposes of this matter pursuant to 40 C.F.R. § 22.18. This Final Order shall become effective
 upon filing with the Regional Hearing Clerk.


 for Thomas V. Skinner
 Regional Administrator
 United States Environmental Protection Agency, Region 5

Dated: 6/13/03

UOP, LLC McCook, IL Facilities
Proposed "Incentives for Self-Policing" settlement
Docket No: MM-052003-0004
CAA-05-2003-0008
EPCRA-05-2003-0018
RCRA-05-2003-0011

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CLERK

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U.S. ENVIRONMENTAL
PROTECTION AGENCY
REGION 5

CERTIFICATE OF SERVICE

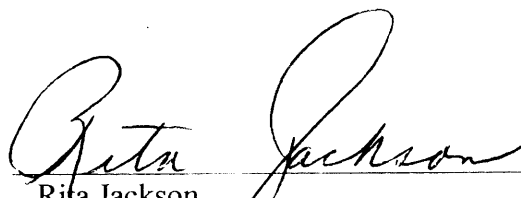
I hereby certify that today I Rita Jackson filed the original of this Joint Civil Complaint and Consent Agreement and Final Order (CAFO) in the office of the Regional Hearing Clerk (E-19J), United States Environmental Protection Agency, Region 5, 77 West Jackson Blvd, Chicago, Illinois 60604-3590.

I then caused true and correct copies of the filed document to be mailed on June 19, 2003 to:

Nicholas Nedeau, Esq.
Universal Oil Products, LLC
25 East Algonquin Road
Des Plaines, Illinois 60017-5017

Date:

6/19/03


Rita Jackson
Administrative Program Assistant